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CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF: FREEDOM OF EXPRESSION

Written statement* submitted by the Reporters sans frontières international, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 January 2002]

*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Haiti: Attacks increase in a context of impunity

Press freedom sharply declined in 2001, with a growing number of journalists threatened or attacked by supporters of President Jean-Bertrand Aristide. One was killed by these militants but as in the case of the murdered radio journalist Jean Dominique, the killers have benefited from the inaction of the authorities.

The year began with a call by two people close to President Jean-Bertrand Aristide for the murder of two journalists and ended with the actual killing of another on December 3, when **Brignol Lindor,** news editor at *Radio Echo 2000,* was murdered a few days after a member of Aristide's Fanmi Lavalas party had implicitly called for his demise. Between these two events, press freedom steadily deteriorated. It got notably worse in August after an attack on the police training school by a group of former soldiers, which the government of President Aristide, who took office again as president on February 7, saw as an attempted coup d'etat.

Nearly 40 journalists were threatened or attacked during the year, mostly by police or Fanmi Lavalas supporters who accused them of working for the opposition. The government rarely condemned such attacks and the lack of serious investigation into them suggests that the systematic attempt to associate the media with the opposition, so as to justify the attacks, may have originated at the highest level. The murder of Lindor further increased the tense situation and was taken by the rest of the media as a warning. A dozen journalists were obliged to go into exile abroad after being threatened by armed Aristide supporters who took to the streets on December 17, when there was another apparent attempt to overthrow the government. The uncertain situation led four radio stations to stop broadcasting and several opposition premises were burned down by Fanmi Lavalas supporters.

After the coup's failure, President Aristide reiterated his commitment to press freedom. A few hours later however, *Radio Ti Moun,* which is funded by Aristide's Foundation for Democracy, accused "some of the media" of having "psychologically prepared people for a coup d'etat." The following week, as he was presenting his seasonal greetings, the president warned journalists "not to tell lies."

The year also saw the continued failure of efforts to punish anyone for the murder of **Jean Dominique,** the owner of *Radio Haïti Inter.* Despite government statements, virtually all state bodies obstructed the enquiry into the killing. The justice ministry failed to seriously ensure the security of the investigating judge, despite threats to him. The police refused to execute arrest warrants and police officers were suspected of having turned over a major suspect to a crowd of demonstrators who chopped him to death.

The Senate rejected the idea that one of its members, Dany Toussaint, was the main suspect in the killing. Only a campaign by Haitian civil society groups and the international community prevented the case from being shelved. The same practice of impunity was also seen in the Lindor killing. Members of a group close to Fanmi Lavalas admitted murdering Lindor but by the end of the year none of them had been arrested.

Journalist killed

Brignol Lindor, news editor of *Radio Echo 2000,* a private station in the town of Petit-Goâve (68 km southwest of Port-au-Prince) was stoned and chopped to death on 3 December 2000. He had received threats after opposition politicians had been guests on his regular radio programme "Dialogue." On November 30, one of the town's deputy mayors, Dumay Bony (Fanmi Lavalas), called for "zero tolerance" to be applied to several opposition members and

mentioned Lindor's name among them. "Zero tolerance" is President Aristide's policy giving a free hand to police to deal on the spot with criminals caught in the act. Human rights organisations say this has led to summary executions by the police and lynchings by members of the public. Lindor's brother strongly denied that the journalist belonged to the opposition and it was noted that Lindor also had pro-government figures on his programme.

An investigation by the Haitian Journalists' Association (AJH) disclosed that members of the grassroots organisation Domi Nan Bwa, which is linked to Fanmi Lavalas, admitted killing Lindor. They told the AJH they had killed him "not as a journalist but as a member of the opposition" and had acted to avenge an attack earlier in the day by presumed opposition members on Joseph Céus Duverger, the leader of Domi Nan Bwa. The first target of the militants was Love Augustin, who said the crowd lost interest in him as soon as they saw Lindor in his vehicle and shouted "There's Lindor, who Dumay says deserves zero tolerance!" Emmanuel Clédanor, a former journalist for *Radio Plus*, was with Lindor and managed to escape.

The local court in Petit-Goâve issued twenty arrest warrants against Domi Nan Bwa and deputy mayor Bony after receiving the AJH's report on the killing, but by year-end none had been carried out. Several opposition supporters suspected of involvement in the attack on Duverger were harassed however.

New information on journalists killed before 2001

The enquiry into the murder of *Radio Haïti Inter* owner **Jean Dominique** ran into many obstacles in 2001. The investigating judge, Claudy Gassant, was threatened several times by armed state officials, including Millien Rommage, a Fanmi Lavalas member of the Chamber of Deputies, police commissioner Evens Saintune and members of the presidential palace security service. Judge Gassant frequently criticised justice minister Gary Lissade for failing to provide him with proper protection. The dispute between the two men at one point caused the judge to resign, but he returned to his post a few days later after local and foreign pressure.

The investigation identified a Fanmi Lavalas senator, Dany Toussaint, as the main suspect in the murder, but the Senate several times blocked moves to involve him in the enquiry. The first time was in January, when the judge simply wanted to question him. Then in August, the Senate refused to vote on whether Toussaint's parliamentary immunity should be lifted. Toussaint's supporters staged several demonstrations to denounce a "conspiracy" against him and called for Judge Gassant's own arrest. At the same time, the senator's lawyers mounted a procedural offensive to slow down the legal process. They brought six lawsuits before four different courts – civil, summary, appeal and supreme. Five of the suits were based on allegedly illegal questioning of several people being held in connection with the case.
On 28 September, Paul Raymond and René Civil, two leaders of grassroots organisations with ties to Fanmi Lavalas, were able to hold a press conference despite the fact that Judge Gassant had issued a warrant for their arrest. A few days later, it was learned that the police had given no orders to execute warrants for the arrest of Richard "Cha Cha" Salomon, Toussaint's "right-hand man," and Franck Joseph, Toussaint's bodyguard, both of them accused of involvement in Dominique's murder. On 9 November, Panel Rénélus, a major suspect in the case, was killed by a crowd of demonstrators in the presence of Judge Gassant the day after he had been arrested. Gassant said Rénélus had been "handed over to the crowd by the police."

In December, Raymond and Civil finally answered the judge's summons for questioning after President Aristide had spoken to their lawyer. By the end of the year, the Senate had still not acted on Gassant's request for Toussaint's immunity to be lifted. As each new obstacle to the investigation arose, civil society organisations and *Radio Haiti Inter*, run by **Michèle Montas**,

Dominique's widow, demanded that state bodies do their duty and not hamper the enquiry. Dominique, Haiti's best known journalist and political commentator, was killed on 3 April 2000 in the courtyard of his radio station. The station's gatekeeper, Jean-Claude Louissant, was also killed in the attack.